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Promotion and protection of human rights: human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Argentina, Armenia, Australia, Austria, Bulgaria, Canada, Chile, Cyprus, Finland, France, Germany, Japan, Jordan, Lithuania, Luxembourg, Mauritania, Morocco, Poland, Portugal, Senegal, Sierra Leone, Slovenia, Spain and United Kingdom of Great Britain and Northern Ireland: draft resolution

The role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations and the Universal Declaration of Human Rights,[1]

Recalling the Vienna Declaration and Programme of Action adopted by the World Conference on Human Rights on 25 June 1993,[2] in which the Conference reaffirmed the important and constructive role played by national institutions for the promotion and protection of human rights,

Reaffirming its resolutions 65/207 of 21 December 2010, 67/163 of 20 December 2012, 69/168 of 18 December 2014 and 71/200 of 19 December 2016 on the role of the Ombudsman, mediator and other national human rights institutions in the promotion and protection of human rights,

Recalling the principles relating to the status of national institutions for the promotion and protection of human rights (the Paris Principles), welcomed by the General Assembly in its resolution 48/134 of 20 December 1993 and annexed thereto,

Reaffirming its previous resolutions on national institutions for the promotion and protection of human rights, in particular resolutions 66/169 of 19 December 2011, 68/171 of 18 December 2013 and 70/163 of 17 December 2015, as well as

[1] Resolution 217 A (III).
[2] A/CONF.157/24 (Part I), chap. III.

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Human Rights Council resolutions 23/17 of 13 June 2013,[3] 27/18 of 25 September 2014[4] and 33/15 of 29 September 2016,[5]

Reaffirming also the functional and structural differences between national human rights institutions, on the one hand, and the Ombudsman and mediator institutions, on the other, and underlining in this regard that reports on the implementation of General Assembly resolutions on the role of the Ombudsman, mediator and other national human rights institutions should be stand-alone reports,

Welcoming the rapidly growing interest throughout the world in the creation and strengthening of the Ombudsman, mediator and other national human rights institutions, and recognizing the important role that these institutions can play, in accordance with their mandate, in support of national complaint resolution,

Recognizing the role of the existing Ombudsman, whether a male or female, mediator and other national human rights institutions in the promotion and protection of human rights and fundamental freedoms,

Underscoring the importance of the autonomy and independence of the Ombudsman, mediator and other national human rights institutions, where they exist, in order to enable them to consider all issues related to their fields of competence,

Considering the role of the Ombudsman, mediator and other national human rights institutions in promoting good governance in public administrations, as well as improving their relations with citizens, and in strengthening the delivery of public services,

Considering also the important role of the existing Ombudsman, mediator and other national human rights institutions in contributing to the effective realization of the rule of law and respect for the principles of justice and equality,

Stressing that these institutions, where they exist, can play an important role in advising Governments with respect to bringing national legislation and national practices into line with their international human rights obligations,

Stressing also the importance of international cooperation in the field of human rights, and recalling the role played by regional and international associations of the Ombudsman, mediator and other national human rights institutions in promoting cooperation and sharing best practices,

Noting with satisfaction the active work of the Association of Mediterranean Ombudsmen and the active continuing work of the Ibero-American Federation of Ombudsmen, the Association of Ombudsmen and Mediators of la Francophonie, the Asian Ombudsman Association, the African Ombudsman and Mediators Association, the Arab Ombudsman Network, the European Mediation Network Initiative, the International Ombudsman Institute and other active ombudsman and mediator associations and networks,

1. *Takes note* of the report of the Secretary-General;[6]

2. *Encourages* Member States:

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[3] See *Official Records of the General Assembly, Sixty-eighth Session, Supplement No. 53* (A/68/53), chap. V, sect. A.

[4] Ibid., *Sixty-ninth Session, Supplement No. 53A* and corrigenda (A/69/53/Add.1 and A/69/53/Add.1/Corr.1 and A/69/53/Add.1/Corr.2), chap. IV, sect. A.

[5] Ibid., *Seventy-first Session, Supplement No. 53* and corrigendum (A/71/53/Add.1 and A/71/53/Add.1/Corr.1), chap. II.

[6] A/72/230.

(a) To consider the creation or the strengthening of independent and autonomous ombudsman, mediator and other national human rights institutions at the national and, where applicable, the local level;

(b) To endow ombudsman, mediator and other national human rights institutions, where they exist, with an adequate constitutional and legislative framework, as well as financial and all other appropriate means in order to ensure the efficient and independent exercise of their mandate and to strengthen the legitimacy and credibility of their actions as mechanisms for the promotion and protection of human rights;

(c) To give due consideration to the Paris Principles[1] when assigning the Ombudsman, mediator or other national human rights institutions the role of national preventive mechanisms and national monitoring mechanisms;

(d) To develop and conduct, as appropriate, outreach activities at the national level, in collaboration with all relevant stakeholders, in order to raise awareness of the important role of the Ombudsman, mediator and other national human rights institutions;

(e) To share and exchange best practices on the work and functioning of their Ombudsman, mediator and other national human rights institutions, in collaboration with the Office of the United Nations High Commissioner for Human Rights and with the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights and other international and regional ombudsman organizations;

3. *Recognizes* that, in accordance with the Vienna Declaration and Programme of Action,[2] it is the right of each State to choose the framework for national institutions, including the Ombudsman, mediator and other national human rights institutions, which is best suited to its particular needs at the national level, in order to promote human rights in accordance with international human rights instruments;

4. *Welcomes* the active participation of the Office of the High Commissioner in all international and regional meetings of the Ombudsman, mediator and other national human rights institutions;

5. *Encourages* the Office of the High Commissioner, through its advisory services, to develop and support activities dedicated to the existing Ombudsman, mediator and other national human rights institutions and to strengthen their role within national systems for human rights protection;

6. *Encourages* the Ombudsman, mediator and other national human rights institutions, where they exist:

(a) To operate, as appropriate, in accordance with the Paris Principles and other relevant international instruments, in order to strengthen their independence and autonomy and to enhance their capacity to assist Member States in the promotion and protection of human rights;

(b) To request, in cooperation with the Office of the High Commissioner, their accreditation by the International Coordinating Committee of National Institutions for the Promotion and Protection of Human Rights, in order to enable them to interact effectively with the relevant human rights bodies of the United Nations system.

[1] Resolution 48/134, annex.

(c) To cooperate with relevant State bodies and develop cooperation with civil society organizations;

(d) To conduct awareness-raising activities on their roles and functions, in collaboration with all relevant stakeholders;

(e) To engage with the International Ombudsman Institute, the Global Alliance of National Human Rights Institutions and other regional networks and associations with a view to exchanging experiences, lessons learned and best practices;

7. *Requests* the Secretary-General to report to the General Assembly at its seventy-fifth session on the implementation of the present resolution, in particular on the obstacles encountered by States in this regard, as well as on best practices in the work and functioning of the Ombudsman, mediator and other national human rights institutions.